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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/307,574 05/07/99 MATTISON

P 042390.P4577

MMC2/0627  
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EXAMINER

LUU, T

ART UNIT	PAPER NUMBER
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2878

DATE MAILED:

06/27/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/307,574	MATTISON, PHILIP E.
	Examiner Thanh X Luu	Art Unit 2878

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 20 April 2001.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. §§ 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

- 15) Notice of References Cited (PTO-892)
- 16) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6
- 18) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 19) Notice of Informal Patent Application (PTO-152)
- 20) Other: \_\_\_\_\_

**DETAILED ACTION**

1. This Office Action is in response to amendments and remarks filed April 20, 2001. Claims 1-5 are currently pending.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merrill et al. (U.S. Patent 5,962,844).

Regarding claim 1, Merrill et al. disclose (see Figure 3 and columns 6 and 7) an apparatus used in an imaging device, comprising: an analog photocell (120) adapted to capture light energy incident upon it as a series of analog signals; a first sample-and-hold (S/H) amplifier (n2, n3) coupled to the photocell and adapted to store a first analog signal of the series of analog signals; a second S/H amplifier (n4, 122, n5) coupled to the first S/H amplifier and adapted to store the first analog signal when the first S/H amplifier stores a second analog signal of the series of analog signals; a differential amplifier (200) coupled to the first and second S/H amplifiers generating an analog difference of the first and second analog signal. Merrill et al. further disclose (see column 3, lines 24-25) using the result of the differential amplifier for video compression.

Merrill et al. do not disclose an analog-to-digital (A/D) converter for converting the analog difference into a digital value. However, it is well known that digital values are necessary for video compression since digital values are more efficiently stored than analog values. Furthermore, it is notoriously well known in the art to convert analog values into digital values since digital values are more robust in the presence of noise. Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to couple a digital converter to the differential amplifier in the apparatus of Merrill et al. to transform the analog difference into a digital values in order to provide better detection in the presence of noise and the digital values necessary for video compression as known.

4. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merrill et al. in view of Gordon et al. (U.S. Patent 3,833,903).

Regarding claim 2, Merrill et al. do not disclose the specifics of the digital converter. Gordon et al. disclose (see Figure 2) a digital converter includes: a voltage controlled oscillator (46); a counter (50) coupled to the oscillator, and the oscillator setting the rate of increase of the counter. Furthermore, A/D converters are notoriously well known. It is a matter of design choice and require only routine skill in the art the manner in which an A/D converter is implemented. Gordon et al. teach of a simple, yet efficient, manner to convert analog signals to digital signals. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the A/D converter of Gordon et al. in the apparatus of Merrill et al. to provide effective and low cost conversion as desired.

Regarding claim 3, Gordon et al. does not explicitly disclose a register receiving the digital value. However, the digital value inherently is outputted to some sort of register or memory. Furthermore, the manner in which a signal is handled after conversion is design choice. Gordon et al. further disclose (see Figure 2) a timer (48) for synchronizing the output of the counter at the end of a predetermined time. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a register in the apparatus of Merrill et al. in view of Gordon et al. in order to store the digital value for further processing.

Regarding claim 4, Gordon et al. disclose compensation of the A/D converter. Gordon et al. do not disclose scaling the output of the oscillator in a dynamic range consistent with ambient lighting. However, it is notoriously well known in the art to bias or offset a signal in order to bring the signal within meaningful or measurable ranges. Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to scale the output of the oscillator consistent with the ambient lighting in the apparatus of Deck in view of Gordon et al. in order to provide sufficient and adequate detection.

#### ***Relevant References***

5. The other references Bryars (U.S. Patent 5,795,300) and the publication of Dickinson et al. cited on PTO-892, Notice of References Cited, are made of record because they all disclose a similar type device.

***Response to Arguments***

6. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh X. Luu whose telephone number is (703) 305-0539. The examiner can normally be reached on Monday-Friday from 6:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seungsook Ham, can be reached on (703) 308-4090. The fax phone number for the organization where the application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

txl  
June 25, 2001



Stephone B. Allen  
Primary Examiner